

Application No. 10/659,831
Customer No. 23696

PATENT

Amendments to the Drawings:

The attached sheet of drawings includes new drawing FIG. 7. No new matter is added thereby as discussed in the remarks herein.

Attachment: New Sheet

REMARKS

Claims 1-3, 5, 6, and 12-17 are pending in the present application. All pending claims stand rejected. Reexamination and reconsideration of all pending claims are respectfully requested in light of the following remarks.

Additionally, the drawings have been objected to under 37 CFR 1.83(a) as allegedly failing to shown every feature of the invention specified in the claims. Applicants disagree and submit that the combination of FIGs. 1, 2, 6A, and 6B disclose all of the claimed features of claim 1, albeit not in a singular diagram. Also, Applicant notes that paragraph [0062] through [0064] of the present application discuss co-sited, multiple spread spectrum systems having uncorrelated (i.e., different) PN sequences (e.g., first and second transmitting devices with first and second PN generation). Notwithstanding, as the Office Action has indicated that amended drawings sheets are required and that the requirement will not be held in abeyance, Applicants have added a new FIG. 7 that includes only the elements found in original claim 1 in one singular drawing. Additionally, the specification has been amended to describe only those elements found in FIG. 7. Since FIG. 7 and the added accompanying text only contain those features found in original claim 1 and paragraphs [0062] through [0064] discuss co-sited, multiple systems with uncorrelated PN sequences, the pictorial representation and text are not new matter. Furthermore, since the transmitter of FIG. 1 illustrates the ordering of parts for a transmitter unit, the ordering of devices in FIG. 7 is not new matter.

Claims 1-6 were rejected under 35 USC 112, first paragraph as allegedly failing to comply with the enablement requirement. Applicants respectfully disagree and assert that the combination of FIGs. 1, 2, 6A, and 6B as well as the accompanying discussion, along with paragraphs [0062] through [0064] of the present application indeed adequately enable one skilled in the art to make or use the invention featured in claims 1-3, 5 and 6 (note that claim 4 was actually previously canceled). Furthermore, claim 1 is part of the original disclosure and aids in enablement of the invention. Also, by this amendment FIG. 7 has been added to show all of the claimed elements in a singular drawing to reflect

PATENT

the already enabled claim 1. Accordingly, for all these reasons, Applicant respectfully request withdrawal of this rejection.

Claims 1, 3, 5, 6, and 12-17, were again rejected under 35 U.S.C. §103 as being unpatentable over Yang et al. (U.S. Patent No. 6,731,674) in view of McDonough (U.S. Patent No. 6,452,959). Applicant respectfully traverses this rejection for the following reasons.

Concerning claim 1, it is asserted in the Office Action that Yang discloses all of the claimed elements except for a first PN sequence generated from equation different from equation used to generate the second PN sequence. McDonough is then asserted as ostensibly teaching a first PN sequence generated based on a first polynomial and a second PN sequence generated based on a second polynomial based on the discussion from col. 12, line 65 to col. 13, line 7 of the reference.

It is again noted that the primary reference Yang fails to teach both the claimed "first spreader to receive and spread a first pilot data" and "second spreader to receive and spread a second pilot data." As clearly illustrated in FIG. 14 of Yang, the first spreader 1411 is used to spread pilot and control channel, whereas the second spreader 1413 is used to spread the traffic channel, not second pilot data as required by claim 1. In response to this statement, the present Office Action seems to assert that because first spreader 1411 outputs spread signals d_{i1} and d_{q1} that this is equivalent to a first spreader and second spreader spreading first and second pilot data. This assertion is false. Spreader 1411 does not spread first and second pilot data. Outputs d_{i1} and d_{q1} are the spreading of a single input pilot channel. Thus, the assertion in the Office Action is logically inconsistent by asserting that I and Q components output by a spreader 1411 having a *single pilot channel input* are the same as spreading two pilots channels (i.e., first and second pilot data). A spreader does not create more pilots than are input.

Moreover, this assertion also misrepresents and mischaracterizes the teachings of Yang. The I and Q (d_{i1} and d_{q1}) components output by spreader 1411 are not two separate pilots, but actually the I and Q components of the same pilot channel input to the spreader. Thus, Yang fails to teach or suggest the elements it has alleged to assert.

PATENT

Applicant further respectfully submits that McDonough does not in fact teach different equations used to generate first and second PN sequences, which are respectively generated by first and second PN generators as featured in claim 1. Rather, the polynomial equations found in lines 1-6 of col. 13 in McDonough are in-phase (I) and quadrature (Q) sequences that would be used by a single PN generator for generating a single PN sequence compliant with IS-95 standards for a spreader. McDonough does not teach or suggest a second pair of I and Q sequences, different from the disclosed I and Q polynomial sequences in lines 1-5 of col. 6 that would be needed to generate a second, distinct PN sequence for a second spreader.

In response to the above arguments, the present Office Action alleges that "the limitations on which the Applicant relies are not in the claims." The statement evinces a failure to understand the actual argument that was asserted. The point was that one skilled in the art would clearly recognize that I and Q polynomial sequences would be needed for each PN generator, and that because McDonough does not teach or suggest more than *one pair* (i.e., one PN generator), it necessarily does not teach the claimed element of "a second PN generator to generate a second PN sequence at a second offset, wherein the first PN sequence is generated from equations *different* from equations used to generate the second PN sequence." Thus, Applicant is not arguing non-existent limitations, but rather is indeed arguing the claim language and how one skilled in the art would clearly recognize that McDonough does not meet the claimed elements. Accordingly, McDonough fails to teach or suggest the claimed features it has been asserted as teaching.

Thus, Applicant respectfully requests reconsideration and withdrawal of the present rejection of claim 1 as the cited references do not teach or suggest all of the elements of this claim, either in combination or taken separately.

With respect to independent claims 12 and 15, these claims contain elements similar to those discussed above with respect to claim 1. Accordingly, these claims are believed to be allowable over the cited prior art for at least the same reasons presented above.

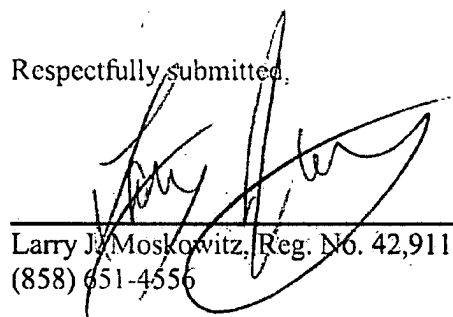
PATENT

Since Applicant submits that independent claims 1, 12, and 15 are allowable in view of the cited references, claims 2, 3, 5-6, 13-14, and 16-17 depending from these allowable independent claims are also allowable for at least the same reasons because they include elements not taught or suggested by the cited references, alone or in combination.

In view of the foregoing, it is respectfully submitted that all claims of the present application are in condition for allowance. Reconsideration of all of the claims is respectfully requested and allowance of all the claims at an early date is solicited.

Respectfully submitted,

Date: March 16, 2009


Larry J. Moskowitz, Reg. No. 42,911
(858) 651-4556

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121-1714
Telephone: (858) 658-1761
Facsimile: (858) 658-2502